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Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization
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Draft report

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III. Peaceful settlement of disputes

1. The Special Committee considered the item entitled "Peaceful settlement of disputes" during the general exchange of views held at its 281st and 282nd meetings, on 16 and 17 February 2016, and at the 2nd meeting of the Working Group of the Whole.

2. During the general exchange of views, delegations expressed their support for all efforts to address the peaceful settlement of disputes. Delegations reiterated their preference that, in accordance with the mandate of the Special Committee, the question of the peaceful settlement of disputes should remain on its agenda. The role of the International Court of Justice as the principal judicial organ of the United Nations was reiterated. The significance of the Manila Declaration on the Peaceful Settlement of International Disputes, which had been approved by the General Assembly in 1982 and annexed to its resolution 37/10, was recalled.

A. Proposal by the Russian Federation to recommend that the Secretariat be requested to establish a website on the peaceful settlement of disputes and update the *Handbook on the Peaceful Settlement of Disputes between States*

3. During the general exchange of views and at the 2nd meeting of the Working Group of the Whole, the sponsor delegation recalled its proposal (see A/69/33, para. 52) that the Special Committee consider requesting the Secretariat to establish a website, within existing resources, dedicated to the peaceful settlement of disputes between States, which would include references to relevant United Nations documents, as well as to the United Nations and other organs active in the field, and to update the *Handbook on the Peaceful Settlement of Disputes between States*,

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prepared by the United Nations in 1992. The sponsor delegation also recalled that the *Handbook* had been prepared on the basis of an earlier initiative of the Special Committee (see General Assembly resolutions 39/79 and 39/88 of 13 December 1984).

4. Several delegations voiced support for the proposal in the Working Group of the Whole. The view was expressed that updating the *Handbook* would be beneficial to Member States, especially developing States which might have only limited access to the Internet. It was also observed that a website established by the United Nations Secretariat, in close cooperation with Member States, would be more reliable than other online sources providing information on means for the peaceful settlement of disputes. It was maintained that updating of the *Handbook* and establishing a website would likely not require additional resources.

5. Several other delegations expressed reservations as to the added value of either undertaking, with some pointing out that all the information in question was readily accessible online in a more comprehensive manner. The view was expressed that updating the *Handbook* would require considerable efforts and resources. Concern was also expressed that, even if such work could be undertaken within existing resources, it would not be a proper prioritization of the limited resources allocated to the Secretariat.

6. The sponsor delegation recalled its view that the added value of an update to the *Handbook*, and establishment of a website, was that it would reflect the expertise of the Secretariat of the United Nations. It further requested that the proposal be retained on the agenda of the Special Committee.

B. Proposal submitted on behalf of the Non-Aligned Movement entitled "Pacific settlement of disputes and its impact on the maintenance of peace"

7. The proposal submitted on behalf of the Non-Aligned Movement entitled "Pacific settlement of disputes and its impact on the maintenance of peace" at the 2015 session of the Special Committee (as reproduced in A/70/33, annex I) was referred to during the general exchange of views held at the 281st and 282nd meetings of the Special Committee, on 16 and 17 February 2016, and was considered at the 2nd meeting of the Working Group of the Whole.

8. In its general statement and in the Working Group of the Whole, the sponsor delegations reiterated the view that the suggested annual review of the issue by the Special Committee, based on a compilation of relevant practices by Member States, would contribute to the more efficient and effective use of such peaceful means, in accordance with Chapter VI of the Charter, and would provide the opportunity for the Special Committee to consider the use of means for the peaceful settlement of disputes. It was recalled that, under the proposal, the International Law Commission would be requested to undertake a study on the obligation of States to use peaceful means for settling their international disputes. The sponsor delegations explained that the proposal was not intended to limit the principle of consent and the free choice of means in peaceful dispute settlement. It was also clarified that the proposal addressed the peaceful settlement of disputes in general terms.

9. Many delegations, both in the general exchange of views and in the Working Group of the Whole, reiterated their commitment to the peaceful settlement of international disputes, and expressed their support for the proposal. The need for parties to a dispute to refrain from taking unilateral measures that could frustrate the solution of the dispute was emphasized. The importance of studying the use of means of dispute settlement was emphasized. Support was expressed for the approach taken in the proposal of placing the onus on Member States to provide information regarding the resort to peaceful means of dispute settlement.

10. Other delegations, while welcoming the proposal, requested more time for reflection and consultation. It was noted that the rationale behind the proposal and the extent to which it overlapped with efforts in other forums had to be clarified. Doubts were also expressed as to whether it would be advisable to request the International Law Commission to study the obligation of States to use peaceful means for settling their international disputes.

11. The sponsor delegations expressed their willingness to continue consultations with other Member States to further develop the proposal.